

Eagle Zinc Superfund Site #B5Y7 - Entry of cost recovery Consent Decree on Nov. 7, 2013

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to:

R5 SF CD Group

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1 Attachment



Sherwin-Williams_CD_Entered_by_the_Court.PDF

Attached please find a copy of consent decree for the Eagle Zinc Site in Hillsboro, Illinois, entered on Nov. 7, 2013.

The consent decree is captioned as follows:

United States v. The Sherwin-Williams Company

U.S District Court for the Central District of Illinois

Civil Case No. 3:13cv3304

This matter was referred to the Department of Justice on July 22, 2013. A complaint was filed on August 28, 2013 and the consent decree was lodged with the court on the same day.

The consent decree settled claims in the complaint under: (check all that apply)

☐ Section 104(e) (2) for access or compliance with information requests

☐ Section 106(a) for injunctive relief

☒ Section 107(a) for recovery of Response Costs (includes past & future costs, e.g. oversight costs)

The following CERCLA settlement provisions of Section 122 were used:

☐ Section 122(a) agreement to perform work

☐ Section 122(g) de minimis settlement

☒ Other- Describe ☐ 122(f)(3) for creation of special accounts

The Eagle Zinc facility is located in Hillsboro, Illinois.

Pursuant to the cashout consent decree, Sherwin-Williams paid \$1,350,000 into an interest-bearing escrow account within 45 days after it signed the decree (which occurred on June 25, 2013). Within 45 days after entry of the Decree – which occurred on Nov. 7, 2013 – Sherwin-Williams must pay \$1,350,000 plus any accrued interest from the escrow account, to the US. \$1,215,000 out of the

\$1,350,000 (plus accrued interest on that amount) shall be deposited by EPA in the Eagle Zinc Special Account. \$135,000 out of the \$1,350,000 (plus accrued interest on that amount) shall be placed in an EPA state cost share account within the EPA Hazardous Substance Superfund and shall be applied towards the State's remedial action cost share at the Eagle Zinc site.

If you have any questions, please feel free to contact me at 312-886-0562 or Nefertiti DiCosmo, Remedial Project Manager, at 312-886-6148.